



TARGET CRIME WITH LITERACY

CHAPTER 4 - FACT SHEET 3

Working with an Accused Who Has Low Literacy Skills

When you suspect that an accused has low literacy skills, your first step is to overcome the person's desire to hide their reading problem.

- If you suspect that English is not the person's first language, ask them if they need an interpreter.
- Ask defence counsel if they know about a reading problem.
- Ask the accused directly – in private – if they have a reading problem.
- To ask “Do you understand?” can be intimidating. Instead, ask the accused to tell you, in their own words, what the information means to them.
- Speak in a way that is easy for anyone to understand. Avoid using police jargon, legal terms, or other specialized language.
- Ask the person what they need to help them understand better.

Once you have confirmation that the accused has difficulty understanding written and spoken information, you may have to “teach” them the context of the charges against them. It is your job to make sure the accused understands

- what is happening
- how the Charter of Rights and Freedoms applies to them in their current situation
- what the charge is and how serious it is
- what their choices are, and how those choices play out
- that they should not sign a document until they understand it fully

Here are some guidelines to follow when you are communicating with an accused who has low literacy:

- **Keep your message as simple as possible.** Be clear and to the point. Long, complicated sentences will probably confuse the person, making it more difficult to get the information you need.

- **Use plain and clear language.** Don't quote the statute word for word or use police jargon—specialized language can seem like a foreign language to people who have low literacy skills.
- **Be specific.** Don't make broad, general statements or ask for them. Focus on specifics and on the recent past as it applies to the event or charges.
- **Repeat information.** Repeat in the same words the first time. Then try to phrase the information in a different way or present it in a different order. This gives the person more chances to understand.
- **Be patient.** Don't interrupt the person or tell them to "give it to me straight." Even though their story may seem rambling and repetitive, that may be their only way of expressing their ideas or understanding what is going on. Encourage the person to tell you everything about the situation, because you want to be fair.
- **Get feedback.** Ask the person to explain what you have said, using their own words. Ask them how well they understand legal information. Ask, "What does this mean to you, in your situation now?"
- **Encourage questions.** Tell the accused that you want them to understand the process and their situation. Encourage them to ask you questions about what is going on. Be careful not to react negatively if they ask very simple questions, or ask the same question more than once.
- **Record what you did.** Make notes of the facts that convinced you that the person understood everything. Make notes of the steps you took to ensure they understood.